

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

**AMENDED COMPLAINT / PETITION**  
**FORM TO BE USED IN FILING A CIVIL COMPLAINT IN FEDERAL COURT**  
**(Non-Prisoner Context)**

07-CV-0212C

All material filed in this Court is now available via the **INTERNET**. See **Pro Se Privacy Notice** for further information.

**1. CAPTION OF ACTION**

**A. Full Name of Plaintiff:** **NOTE:** *If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application or the only plaintiff to be considered will be the plaintiff who filed an application.*

Theresa Williams

-vs-

**B. Full Name(s) of Defendant(s)** **NOTE:** *Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. Add a separate sheet, if necessary.*

1. U.S. Department of Treasury  
\* Internal Revenue Service
2. T. Rowe Price
3. Entergy Services, Inc.

4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_

**2. STATEMENT OF JURISDICTION, VENUE and NATURE OF SUIT**

*All of these sections **MUST** be answered*

*Identify the basis for federal Court jurisdiction over your claim, such as that the United States government is a party to the action, all the parties reside in different states and therefore you claim diversity jurisdiction, or the claim presents a federal question or arises under federal law.*

**A. Basis of Jurisdiction in Federal Court:** The claim has the following; diversity, jurisdiction, federal question and federal law.

*State why the Western District of New York is the proper venue for this action, such as that your claim arises in or the defendant resides in the 17 westernmost counties of New York State.*

**B. Reason for Venue in the Western District:** Plaintiff is financially challenged, local agents are within venue and sponsor(Entergy Ser, Inc.) is able to be included in venue due to federal classification.

*Identify the nature of this action, such as that it is a civil rights claim, a personal injury or personal property (tort) claim, a property rights claim, or whatever it is.*

**C. Nature of Suit:** Fraudulent income reporting by 1.) T. Rowe Price and Sponsor. 2.) Incorrect coding on 1099's form, in box #7. 3.) Penalties and interest are assessed incorrectly.

### 3. PARTIES TO THIS ACTION

**PLAINTIFF'S INFORMATION NOTE:** *To list additional plaintiffs, use this format on another sheet of paper.*

Name of First Plaintiff: Theresa Williams

Present Address: P.O. Box 435

Buffalo, New York 14240-0435

Name of Second Plaintiff: \_\_\_\_\_

Present Address: \_\_\_\_\_

**DEFENDANT'S INFORMATION NOTE:** *To list additional defendants, use this format on another sheet of paper.*

Name of First Defendant: Internal Revenue Service

Official Position of Defendant (if relevant): Mr. Richard Pearl, Mgr. (Buffalo Office)

Address of Defendant: 430 So. Elmwood Ave.

Buffalo, New York 14204

Name of Second Defendant: T. Rowe Price (Savings Plan of Entergy)

Official Position of Defendant (if relevant): Alice Blathis, Team Coordinator

Address of Defendant: John McNaulty & Sharon Marcus.

4555 Painters Mill RD.  
Owings Mills, MD 21117

Name of Third Defendant: Entergy Services, Inc.

Official Position of Defendant (if relevant): Terry Seamons, Sr. Vice President, Human Resources and Administration.

Address of Defendant: \_\_\_\_\_

L-Ent-14F

639 Loyola Ave

New Orleans, LA 70113

### 4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

A. Have you begun any other lawsuits in **state or federal court** dealing with **the same facts involved in this action**?

Yes      No xx

If Yes, complete the next section. NOTE: *If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.*

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): \_\_\_\_\_

Defendant(s): J.P.

2. Court (if federal court, name the district; if state court, name the county): \_\_\_\_\_
3. Docket or Index Number: \_\_\_\_\_
4. Name of Judge to whom case was assigned: \_\_\_\_\_
5. The approximate date the action was filed: \_\_\_\_\_
6. What was the disposition of the case?

Is it still pending? Yes \_\_\_\_\_ No \_\_\_\_\_

If not, give the approximate date it was resolved. \_\_\_\_\_

Disposition (check those statements which apply):

\_\_\_\_\_ Dismissed (check the statement which indicates why it was dismissed):

\_\_\_\_\_ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;

\_\_\_\_\_ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

\_\_\_\_\_ By court due to your voluntary withdrawal of claim;

\_\_\_\_\_ Judgment upon motion or after trial entered for

\_\_\_\_\_ plaintiff

\_\_\_\_\_ defendant.

### 5. STATEMENT OF CLAIM *No attached*

**Please note** that it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, just tell the story of what happened and do not use legal jargon.

**Fed.R.Civ.P. 8(a)** states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995).

**Fed.R.Civ.P. 10(b)** states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

**A. FIRST CLAIM:** On (date of the incident) *No attached*,  
defendant (give the name and (if relevant) the position held of each defendant involved in this incident) \_\_\_\_\_

did the following to me (briefly state what each defendant named above did): See attached

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The federal basis for this claim is: \_\_\_\_\_

State briefly **exactly** what you want the Court to do for you. *Make no legal arguments and cite no cases or statutes:*

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**B. SECOND CLAIM:** On (date of the incident) See attached,  
defendant (give the name and (if relevant) position held of each defendant involved in this incident) \_\_\_\_\_

did the following to me (briefly state what each defendant named above did): \_\_\_\_\_

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The federal basis for this claim is: \_\_\_\_\_

State briefly **exactly** what you want the Court to do for you. *Make no legal arguments and cite no cases or statutes:*

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**If you have additional claims, use the above format to set them out on additional sheets of paper.**

**6. SUMMARY OF RELIEF SOUGHT**

*Summarize the relief requested by you in each statement of claim above.*

*See attached*

Do you want a jury trial? Yes \_\_\_\_\_ No *XX*

**I declare under penalty of perjury that the foregoing is true and correct.**

Executed on *12.11.2010*  
(date)

**NOTE:** *Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.*

*[Handwritten Signature]*

Signature(s) of Plaintiff(s)

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK  
FORM TO BE USED IN FILING A CIVIL COMPLAINT IN FEDERAL COURT  
(Non-Prisoner Context)**

**5. STATEMENT OF CLAIM**

**A. FIRST CLAIM:**

On 11/1/2004, **defendant, Internal Revenue Service** issued a letter of stating Individual Income Tax assessments. Income was reported/recorded incorrectly. Tax calculation summary was incorrect. Therefore, all I.R.C.(Internal Revenue Codes) are not correct. Please note that the tax years for 2005, 2006& 2007 remain coded incorrectly and therefore have added a 10% assessment to the tax payer incorrectly. The federal basis for this claim is under the Title 26 and Title 29. Plaintiff, seeks refund and applicable damage under the law. Note form # 843 and form # 5329 is pending a review in addition, the request for the audit on the employer/sponsor, Entergy Inc.

**B. SECOND CLAIM**

On , **defendant Entergy Services**, reported incorrect information to the Internal Revenue Service, issuing a code 1 in box#7 on 1099's. Reported rollover 2x to the internal revenue and issued 2 1099's to the plaintiff, stating savings plan was actually, taxable income when savings plan was actually tax-free savings. In addition, defendant reported false information to benefit carrier concerning employment status. The federal basis for this claim is under the Title 29 and the Code of Federal Regulation. Plaintiff seeks damages of investment, credit defamation, financial loss, failing to maintain employment records, etc. In addition, the incorrect coding added to the loss of benefits.

**C. Third Claim**

On, **defendant T. Rowe Price** , failed to maintain as co-sponsor, its obligations to the participant as maintaining records regarding the actual plan for a direct rollover. The federal basis for this claim is under Title 29 and the Code of Federal Regulation. Plaintiff seeks damages for failure to maintain plan status for a direct rollover and failure to adhere to participant information on rollover application.

**6. SUMMARY OF RELIEF SOUGHT**

To seek relief as stated on the First, Second and Third claim, and to have corrections made to my social security # and name, which was discovered in pending case.

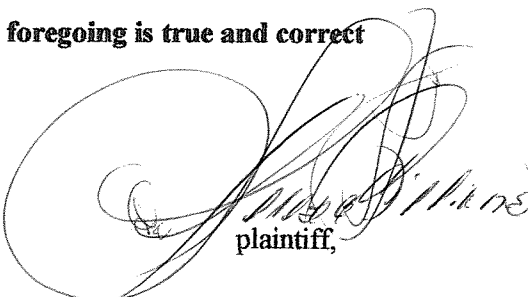
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Do you want a jury trial? Yes \_\_\_ No xx

**I declare under penalty of perjury that the foregoing is true and correct**

**Executed on, 12/17/2010**

\_\_\_\_\_

  
plaintiff,

**Ms. Theresa Williams  
P.O. Box 435  
Buffalo, New York 14240-0435  
December 17, 2010**

**U.S. Department of Labor  
Attn: Ms. Patricia Richardson  
Certified Mail #:  
Employee Benefits Security Administration  
Room 575  
25 New Sudbury Street  
Boston, MA 02203**

**RE: Plaintiff & Pro-Se: Theresa Williams  
Venue: Western District Court Of New York  
Petition #: 07-cv-212C**

Dear Mrs./Ms. Patricia Richardson

Please be advise upon my call to your office (Ms. Kristy Phillips) on December 14, 2010 to register an investigation and an audit of my previous employer;

**Entergy Services, Inc.  
FAX # : (504) 576-5796  
Mr. Terry Seamons  
Sr. Vice President of Human Resources and Administration  
L-14F  
639 Loyola Ave.  
New Orleans, LA 70113**

for the E.R.I.S.A. violations that have occurred summarized in this letter.

29 U.S.C. 1021 Duty of Disclosure and Reporting  
29 U.S.C. 1027 Retention of Records  
29 U.S.C. 1059 Record keeping and Reporting  
29 U.S.C. 1104 Fiduciary Duties  
29 U.S.C. 1105 Liability for Breach of Co-Fiduciary Duty

In addition I have included a summary of the facts that have occurred.

June 1994, application for Long-Term Disability.  
Short-term disability implemented  
November 1994 First Layoff Package was offered.  
November 21, 1994 Layoff Package was refused.  
December 7, 1994 layoff was implemented.  
Short-term disability ended as per. involuntarily layoff. Please refer to the first Layoff package offered.

Layoff Package distributed and forced into effect.  
Notice to return to W.B.S.E.S to engage into testing.  
Notice of test results, stating not passing.  
Notice of First Layoff package ending.  
Notice mailed to W.B.S.E.S administration, stating unable to re-test due to disability.  
Notice of Second Layoff package implemented  
Notice of Second Layoff package ends:  
October 30, 1998, Social Security Benefits approved, disability was acknowledged on June 27, 1994.  
However due to the second filing of March 21, 1996 because of the involuntary layoff, payment was retro from March 1995 to the present.  
Mailed to The Hartford Life Insurance Company.  
February 5, 1999, Notice of Long-Term Disability Benefits approve, retro from 12/28/1994 as per. The Hartford Life Insurance.

In conclusion, I am hopeful that your investigation will be productive and useful in my efforts to proceed in court. I am aware, that my actions are premature in the judicial process but due to the vague statues of employment law and not being a lawyer, my efforts are certainly not to waste the efforts of the court or your agency. My efforts is to have my benefits awarded back to me as well as have compensation awarded, due to no negligence of my own. Please note the action of my previous employer has taken a financial toll on my finances and credit. Your efforts in bring correctness to my record will be most appreciative. Thanking you in advance for your efforts in this matter.

Respectfully Submitted

Ms. Theresa Williams